

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**MINTWOOD PHARMACEUTICALS INC., DBA MINTWOOD
PHARMACY, MILAD NAGUIB TOSSOUN, IMAN TOSSOUN,
NANCY ELIAS**

Pharmacy Permit No. PHY 56896,

and

NANCY ELIAS

Pharmacist License No. RPH 62083

Respondents.

Agency Case No. 7167

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 12, 2022.

It is so ORDERED on September 12, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7167

13 **MINTWOOD PHARMACEUTICALS**
INC., DBA MINTWOOD PHARMACY,
14 **MILAD NAGUIB TOSSOUN, IMAN**
TOSSOUN, NANCY ELIAS
15 **455 N. Lake Ave.**
Pasadena, CA 91101

16 **Pharmacy Permit No. PHY 56896,**

17 **and**

18 **NANCY ELIAS**
19 **300 N. Central Ave. #513**
Glendale, CA 91203

20 **Pharmacist License No. RPH 62083**

21 Respondents.

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
RESPONDENT MINTWOOD
PHARMACEUTICALS INC., DBA
MINTWOOD PHARMACY,
PHARMACY PERMIT NO. PHY 56896
ONLY

22
23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy
2 Attorney General.

3 2. Respondent Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, Milad Naguib
4 Tossoun, Iman Tossoun, Nancy Elias is represented in this proceeding by attorney Herbert L.
5 Weinberg, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

6 3. On or about November 7, 2018, the Board issued Pharmacy Permit No. PHY 56896 to
7 Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy (Respondent Mintwood Pharmacy), with
8 Milad Naguib Tossoun designated as the Chief Executive Officer, President, Treasurer/Chief
9 Financial Officer, Director, and 33% Shareholder since November 7, 2018; Iman Tossoun
10 designated as the Secretary, Director, and 33% Shareholder since November 7, 2018; and Nancy
11 Elias designated as the Vice-President, Director, 33% Shareholder, and Pharmacist-In-Charge since
12 November 7, 2018. The Pharmacy Permit was in full force and effect at all times relevant to the
13 charges brought in Accusation No. 7167 and will expire on November 1, 2022, unless renewed.

14 **JURISDICTION**

15 4. Accusation No. 7167 was filed before the Board, and is currently pending against
16 Respondent Mintwood Pharmacy. The Accusation and all other statutorily required documents
17 were properly served on Respondent Mintwood Pharmacy on December 10, 2021. Respondent
18 Mintwood Pharmacy timely filed its Notice of Defense contesting the Accusation. A copy of
19 Accusation No. 7167 is attached as Exhibit A and incorporated by reference.

20 **ADVISEMENT AND WAIVERS**

21 5. Respondent Mintwood Pharmacy has carefully read, fully discussed with counsel, and
22 understands the charges and allegations in Accusation No. 7167. Respondent Mintwood
23 Pharmacy also has carefully read, fully discussed with counsel, and understands the effects of this
24 Stipulated Surrender of License and Order.

25 6. Respondent Mintwood Pharmacy is fully aware of its legal rights in this matter,
26 including the right to a hearing on the charges and allegations in the Accusation; the right to
27 confront and cross-examine the witnesses against them; the right to present evidence and to
28 testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of

1 witnesses and the production of documents; the right to reconsideration and court review of an
2 adverse decision; and all other rights accorded by the California Administrative Procedure Act
3 and other applicable laws.

4 7. Respondent Mintwood Pharmacy voluntarily, knowingly, and intelligently waives
5 and gives up each and every right set forth above.

6 **CULPABILITY**

7 8. Respondent Mintwood Pharmacy understands that the charges and allegations in
8 Accusation No. 7167, if proven at hearing, constitute cause for imposing discipline upon its
9 Pharmacy Permit.

10 9. For the purpose of resolving the Accusation without the expense and uncertainty of
11 further proceedings, Respondent Mintwood Pharmacy agrees that, at a hearing, Complainant
12 could establish a factual basis for the charges in the Accusation and that those charges constitute
13 cause for discipline. Respondent Mintwood Pharmacy hereby gives up their right to contest that
14 cause for discipline exists based on those charges.

15 10. Respondent Mintwood Pharmacy understands that by signing this stipulation it
16 enables the Board to issue an order accepting the surrender of their Pharmacy Permit without
17 further process.

18 **CONTINGENCY**

19 11. This stipulation shall be subject to approval by the Board. Respondent Mintwood
20 Pharmacy understands and agrees that counsel for Complainant and the staff of the Board may
21 communicate directly with the Board regarding this stipulation and surrender, without notice to or
22 participation by Respondent Mintwood Pharmacy or its counsel. By signing the stipulation,
23 Respondent Mintwood Pharmacy understands and agrees that they may not withdraw its
24 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.
25 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and
26 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
27 in any legal action between the parties, and the Board shall not be disqualified from further action
28 by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 56896, issued to Respondent Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, Milad Naguib Tossoun, Iman Tossoun, Nancy Elias, is surrendered and accepted by the Board. However, the surrender shall be stayed 90 days from the effective date of the Decision and Order, by which time the Pharmacy shall be sold or its ownership transferred, or it shall be closed. In addition, Respondent Mintwood Pharmacy shall designate a new Pharmacist-in-Charge prior to the effective date of the Decision and Order.

1. If the Pharmacy is not sold or its ownership transferred prior to the end of the 90 day stay of surrender set forth herein, Respondent Mintwood Pharmacy shall, within ten (10) days thereafter, arrange for: destruction of, or transfer to, or storage in a facility licensed by the Board, of all controlled substances and dangerous drugs and devices, and all records of acquisition or disposition of same. Respondent Mintwood Pharmacy shall further provide written proof of such disposition and submit a completed Discontinuance of Business form in accordance with Board guidelines.

Respondent Mintwood Pharmacy shall also, by the end of the 90 day stay of surrender set forth herein, arrange for the continuation of care for ongoing patients of the Pharmacy by, at a minimum, providing a written notice to ongoing patients that specifies the anticipated closing

1 date of the Pharmacy and that identifies one or more area pharmacies capable of taking up the
2 patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions
3 for ongoing patients. Within five (5) days of its provision to the Pharmacy's ongoing patients,
4 Respondent Mintwood Pharmacy shall provide a copy of the written notice to the Board. For the
5 purposes of this provision, "ongoing patients" means those patients for whom the Pharmacy has
6 on-file a prescription with one or more refills outstanding, or for whom the Pharmacy has filled a
7 prescription within the preceding sixty (60) days.

8 2. The surrender of Respondent Mintwood Pharmacy's Pharmacy Permit and the
9 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
10 against Respondent Mintwood Pharmacy. This stipulation constitutes a record of the discipline
11 and shall become a part of Respondent Mintwood Pharmacy's license history with the Board.
12 Respondent Mintwood Pharmacy understands and acknowledges that for purposes of Business
13 and Professions Code section 4307, this stipulated surrender is the same as a revocation.

14 3. During the 90 day stay of surrender set forth herein, Respondent Mintwood Pharmacy
15 shall not order, possess, dispense or otherwise have access to any controlled substance(s) in
16 Schedules I, II, III, IV, or V (Health and Safety Code sections 11054-11058, inclusive).

17 4. Respondent Mintwood Pharmacy shall lose all rights and privileges as a Pharmacy in
18 California at the end of the 90 day stay of surrender set forth herein.

19 5. Respondent Mintwood Pharmacy shall cause to be delivered to the Board its pocket
20 license and, if one was issued, its wall certificate on or before the end of the 90 day stay of
21 surrender set forth herein.

22 6. If Respondent Mintwood Pharmacy ever applies for licensure or petitions for
23 reinstatement in the State of California, the Board shall treat it as a new application for licensure.
24 Respondent Mintwood Pharmacy must comply with all the laws, regulations and procedures for
25 licensure in effect at the time the application or petition is filed, and all of the charges and
26 allegations contained in Accusation No. 7167 shall be deemed to be true, correct and admitted by
27 Respondent Mintwood Pharmacy when the Board determines whether to grant or deny the
28 application or petition.

1 7. Respondent Mintwood Pharmacy shall be jointly and severally responsible for paying
2 the agency its costs of investigation and enforcement in the amount of \$25,997.00 prior to the
3 filing of a new application or reinstated license.

4 In the event the Pharmacy is sold or its ownership transferred, Respondent Mintwood
5 Pharmacy shall pay the Board \$17,500.00 upon the close of escrow of the sale of the Pharmacy;
6 in which case, Respondent Mintwood Pharmacy would be jointly and severally responsible for
7 paying the agency its remaining costs of investigation and enforcement in the amount of
8 \$8,497.00 prior to the filing of a new application or reinstated license.

9 8. If Respondent Mintwood Pharmacy should ever apply or reapply for a new license or
10 certification, or petition for reinstatement of a license, by any other health care licensing agency
11 in the State of California, all of the charges and allegations contained in Accusation, No. 7167
12 shall be deemed to be true, correct, and admitted by Respondent Mintwood Pharmacy for the
13 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

14 9. Respondent Mintwood Pharmacy may not apply, reapply, or petition for any
15 licensure, permit, or registration from the Board for three (3) years from the effective date of the
16 Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

MILAD NAGUIB TOSSOUN
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent

DATED: _____

IMAN TOSSOUN
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent

DATED: _____

NANCY ELIAS
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent

I have read and fully discussed with Respondent Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

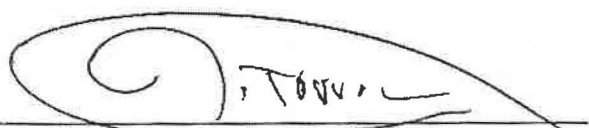
HERBERT L. WEINBERG
*Attorney for Respondent Mintwood
Pharmacy*

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

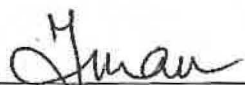
DATED:

07/25/2022


MILAD NAGUIB TOSSOUN
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent


DATED:

07/25/2022


IMAN TOSSOUN
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent

DATED:

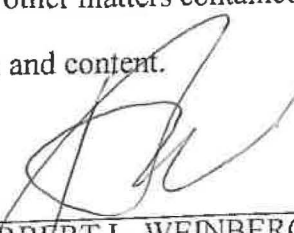
07/26/2022


NANCY ELIAS
MINTWOOD PHARMACEUTICALS INC.,
DBA MINTWOOD PHARMACY
Respondent

I have read and fully discussed with Respondent Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

7/26/2022


HERBERT L. WEINBERG
Attorney for Respondent Mintwood
Pharmacy

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: July 27, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7167

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
300 So. Spring Street, Suite 1702
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E-mail: Marissa.Hamilton@doj.ca.gov
7 *Attorneys for Complainant*

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9 **BEFORE THE**
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12 In the Matter of the Accusation Against:

Case No. 7167

13 **MINTWOOD PHARMACEUTICALS**
14 **INC., DBA MINTWOOD PHARMACY,**
15 **MILAD NAGUIB TOSSOUN, IMAN**
16 **TOSSOUN, NANCY ELIAS**
455 N. Lake Ave.
Pasadena, CA 91101

ACCUSATION

17 **Pharmacy Permit No. PHY 56896,**

18 **and**

19 **NANCY ELIAS**
20 **300 N. Central Ave. #513**
Glendale, CA 91203

21 **Pharmacist License No. RPH 62083**

22 Respondents.

23
24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

27 2. On or about November 7, 2018, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 56896 to Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy (Respondent

1 Mintwood Pharmacy), with Milad Naguib Tossoun designated as the Chief Executive Officer,
2 President, Treasurer/Chief Financial Officer, Director, and 33% Shareholder since November 7,
3 2018; Iman Tossoun designated as the Secretary, Director, and 33% Shareholder since November
4 7, 2018; and Nancy Elias designated as the Vice-President, Director, 33% Shareholder, and
5 Pharmacist-In-Charge since November 7, 2018. The Pharmacy Permit was in full force and
6 effect at all times relevant to the charges brought herein and will expire on November 1, 2022,
7 unless renewed.

8 3. On or about December 30, 2008, the Board of Pharmacy issued Pharmacist License
9 Number RPH 62083 to Nancy Elias (Respondent Elias). The Pharmacist License was in full
10 force and effect at all times relevant to the charges brought herein and will expire on March 31,
11 2022, unless renewed.

12 **JURISDICTION**

13 4. This Accusation is brought before the Board of Pharmacy (Board), Department of
14 Consumer Affairs, under the authority of the following laws. All section references are to the
15 Business and Professions Code (Code) unless otherwise indicated.

16 5. Section 4011 of the Code provides that the Board shall administer and enforce both
17 the Pharmacy Law [Code sections 4000 et seq.] and the Uniform Controlled Substances Act
18 [Health & Safety Code sections 11000 et seq].

19 6. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be
20 suspended or revoked.”

21 7. Section 4300.1 of the Code states:

22 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
23 operation of law or by order or decision of the board or a court of law, the placement of a
24 license on a retired status, or the voluntary surrender of a license by a licensee shall not
25 deprive the board of jurisdiction to commence or proceed with any investigation of, or
26 action or disciplinary proceeding against, the licensee or to render a decision suspending or
27 revoking the license.

28 8. Section 4302 of the Code states:

The board may deny, suspend, or revoke any license where conditions exist in
relation to any person holding 10 percent or more of the ownership interest or where
conditions exist in relation to any officer, director, or other person with management or

control of the license that would constitute grounds for disciplinary action against a licensee.

STATUTORY PROVISIONS

9. Section 4036.5 of the Code states:

“Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

10. Section 4059 of the Code states, in pertinent part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

11. Section 4113, subdivision (c), of the Code states, in pertinent part, [t]he pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.”

12. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not limited to, any of the following:

...

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

13. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the

ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

14. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license" as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

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1 15. Health and Safety Code Section 11153 states, in pertinent part:

2 (a) A prescription for a controlled substance shall only be issued for a legitimate
3 medical purpose by an individual practitioner acting in the usual course of his or her
4 professional practice. The responsibility for the proper prescribing and dispensing of
5 controlled substances is upon the prescribing practitioner, but a corresponding
6 responsibility rests with the pharmacist who fills the prescription. Except as authorized by
7 this division, the following are not legal prescriptions:

8 (1) an order purporting to be a prescription which is issued not in the usual
9 course of professional treatment or in legitimate and authorized research; or

10 (2) an order for an addict or habitual user of controlled substances, which is
11 issued not in the course of professional treatment or as part of an authorized
12 narcotic treatment program, for the purpose of providing the user with
13 controlled substances, sufficient to keep him or her comfortable by maintaining
14 customary use.

15 ...

16 **REGULATORY PROVISIONS**

17 16. California Code of Regulations, title 16, section 1714 states, in pertinent part:

18 (b) Each pharmacy licensed by the board shall maintain its facilities, space,
19 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
20 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
21 area to accommodate the safe practice of pharmacy.

22 ...

23 (d) Each pharmacist while on duty shall be responsible for the security of the
24 prescription department, including provisions for effective control against theft or
25 diversion of dangerous drugs and devices, and records for such drugs and devices.
26 Possession of a key to the pharmacy where dangerous drugs and controlled
27 substances are stored shall be restricted to a pharmacist.

28 ...

17. California Code of Regulations, title 16, section 1761 states:

22 (a) No pharmacist shall compound or dispense any prescription which contains any
23 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon
24 receipt of any such prescription, the pharmacist shall contact the prescriber to obtain
25 the information needed to validate the prescription.

26 (b) Even after conferring with the prescriber, a pharmacist shall not compound or
27 dispense a controlled substance prescription where the pharmacist knows or has
28 objective reason to know that said prescription was not issued for a legitimate
medical purpose.

///

///

18. Federal Code of Regulations, title 21, section 1306.04 states, in pertinent part:

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

...

DANGEROUS DRUGS / CONTROLLED SUBSTANCES

19. Section 4021 of the Code states, in pertinent part:

Controlled substances: means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

20. Section 4022 states:

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a _____,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

21. Drug classifications are as follows:

Generic Name	Brand Name	Dangerous Drug Per Code Section 4022	Controlled Substance Per Health & Safety Code (HSC) or Code of Federal Regulations (CFR)	Indications for Use
Promethazine/ Codeine Syrup	Phenergan/ Codeine Syrup	Yes	Yes – Schedule V per HSC 11058(c)(1)	Cough
Carisoprodol	Soma	Yes	Yes – Schedule IV per 21 CFR 1308.14(c)(7)	Muscle Spasms

Alprazolam	Xanax	Yes	Yes – Schedule IV per HSC 11057(d)(1)	Anxiety
Oxycodone	Roxicodone	Yes	Yes – Schedule II per HSC 11055(b)(1)(M)	Pain
Hydrocodone/ Acetaminophen	Norco	Yes	Yes – Schedule II per HSC 11055(b)(I)(ii)	Pain

COST RECOVERY

22. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

23. On or about September 2, 2020, a Board Inspector conducted an inspection at Respondent Mintwood Pharmacy. Respondent Elias, Pharmacist-in-Charge of Mintwood Pharmacy, was present and assisted the Board Inspector with the inspection. The Board Inspector learned that Respondent Mintwood Pharmacy is an independent pharmacy that dispenses approximately 600-700 prescriptions per month. Respondent Elias indicated that she is the main pharmacist at Respondent Mintwood Pharmacy, and other pharmacists fill in on her days off. The Board Inspector informed Respondent Elias that the Board was going to conduct an audit of promethazine/codeine syrup, alprazolam 2 mg tablets, and oxycodone 30 mg tablets, as well as perform a review of the Pharmacy's dispensing records and prescription documents. As part of the inspection, the Board Inspector requested, and was provided with, the following information and documentation:

a. When Respondent Mintwood Pharmacy's permit was issued on or about November 7, 2018, the Pharmacy began business with no controlled substances in stock. Respondent Mintwood Pharmacy's initial drug inventory was ordered from its wholesalers. Respondent Mintwood Pharmacy's wholesalers include McKesson, Anda and Parmed.

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1 b. Respondent Elias provided the Board Inspector with the recorded amounts of the
2 Pharmacy's complete stock of promethazine/codeine syrup, alprazolam 2 mg tablets, and
3 oxycodone 30 mg tablets on a Stock-on-Hand Form. These amounts matched the expected on-hand
4 amounts listed in the Pharmacy's dispensing software.

5 c. Respondent Elias provided the Board Inspector with a DEA Form 106 documenting
6 controlled substances that were stolen from Respondent Mintwood Pharmacy during a night break-
7 in on June 21, 2019.

8 d. Respondent Elias provided the Board Inspector with a sample of the Pharmacy's
9 filled and completed prescription documents, including 43 prescription documents from PA
10 Jennifer Edwards.

11 e. Respondent Elias provided the Board Inspector with a document containing the
12 information for all prescriptions filled at the Pharmacy from November 7, 2018 to September 2,
13 2020.

14 f. The Board Inspector received records of sales of promethazine/codeine syrup,
15 alprazolam 2 mg tablets, and oxycodone 30 mg tablets from McKesson to Respondent Mintwood
16 Pharmacy for the relevant query period. In addition, the Board Inspector subsequently received
17 records of sales of promethazine/codeine syrup, alprazolam 2 mg tablets, and oxycodone 30 mg
18 tablets from Parmed to Respondent Mintwood Pharmacy for the relevant query period. Anda
19 certified that it did not make any sales of controlled substances to Respondent Mintwood
20 Pharmacy during the relevant query period.

21 **Audit Review**

22 24. The Board Investigator conducted an audit based on a review of the Pharmacy's
23 records and the records of sales of promethazine/codeine syrup, alprazolam 2 mg tablets, and
24 oxycodone 30 mg tablets to Respondent Mintwood Pharmacy from its wholesalers for the audit
25 period of November 7, 2018 to September 2, 2020. The audit identified a significant shortage of
26 promethazine/codeine syrup of 24,125 mL (which amounts to approximately 51 pint-sized
27 bottles). The shortage was equivalent to approximately 54% of the amount of promethazine/
28 codeine syrup dispensed during the audit period. The results of the Board Inspector's

audit are detailed in the following table¹:

Drug Name & Strength	Initial Amount on 11/7/18 (I) + Amount Received (A)	Total Amount (I+A)=T	Amount Dispensed or Disposed (D)	Amount to be Accounted for (T-D)	Stock on Hand on 9/2/20 (S)	Amount Over (S>T-D) or Short (S< T-D)	Discrepancy as % of Total Dispositions (Over or Short/D)
Promethazine/ codeine syrup	0 + 69,058 [McKesson: 39,259 mL; Parmed: 29,799 mL]	69,058 mL	44,693 mL	24,365 mL	240 mL	-24,125 mL	54.56%
Alprazolam 2mg	0 + 4,300 [McKesson: 4,300 mg; Parmed: 0 mg]	4,300 mg	3,650 mg	650 mg	680 mg	+30 mg	0.82%
Oxycodone 30mg	0 + 14,600 [McKesson: 14,600 mg; Parmed: 0 mg]	14,600 mg	14,165 mg	435 mg	910 mg	+475 mg	3.35%

Dispensing Review – Irregularities in Prescriptions and Prescribing Patterns

25. Based on review of the Pharmacy dispensing records and prescription documents, the Board Inspector determined that Respondent Mintwood Pharmacy, while Respondent Elias was serving as the Pharmacist-In-Charge, had dispensed several prescriptions for controlled substances during the time period of November 7, 2018 through September 2, 2020 that exhibited objective factors of irregularity—or red flags—for potential abuse without adequately ensuring the prescriptions were issued for a legitimate medical purpose in the usual course of professional practice. Factors of irregularity were evident in the prescription documents and prescribing patterns generated under the purported prescribing credentials of PA Jennifer Edwards, including but not limited to the following:

¹ The sources of the numbers used in the audit are as follows:

- The initial amount (I) was zero for all three medications on November 7, 2018, at the issuance of Respondent Mintwood Pharmacy's permit.
- The amount received (A) was taken from the certified wholesaler sales records from McKesson and Parmed.
- The amount dispensed or disposed (D) was taken from the Pharmacy's electronic dispensing records and the DEA Form 106.
- The Stock on Hand (S) was provided by Respondent Elias during the inspection on September 2, 2020.

General Dispensing Trends

26. During the query period of November 7, 2018 through September 2, 2020, the Pharmacy's dispensing record contained 422 prescriptions from PA Edwards. With the exception of one prescription dispensed in 2018, all of the prescriptions were dispensed between January 7, 2020 and August 7, 2020.

27. Some of PA Edwards' most frequently prescribed medications were commonly abused controlled substances, as summarized in the following table.

Medication	No. of Rx's	% of PA Edwards' Total Prescribing
Oxycodone 30 mg	62	14.69%
Promethazine/codeine 6.25/10 mg sol	53	12.56%
Hydrocodone/acetaminophen 10/325 mg	18	4.27%

28. A total of 33 patients received prescriptions from PA Edwards dispensed at the Pharmacy. All of these patients received at least one prescription of oxycodone 30 mg, hydrocodone/acetaminophen 10/325 mg, and/or promethazine/codeine syrup.

29. Respondent Mintwood Pharmacy dispensed 62 prescriptions of oxycodone 30 mg, totaling 5,680 tablets, from PA Edwards. PA Edwards prescribed immediate release oxycodone tablets exclusively in the highest available strength (30 mg tablets) despite inter-patient variability. Prescribers commonly aim to treat patients with the lowest effective dose of medications in order to minimize the risk of side effects and toxicity from the medications.

30. Approximately 93% of PA Edwards prescriptions were purchased with cash, without the aid of prescription insurance. There were many instances where patients of PA Edwards paid exorbitant out-of-pocket prices for their prescriptions. Specifically, there were 42 instances where patients of PA Edwards paid \$400 or more for a prescription of between 90 and 120 oxycodone 30 mg tablets.

31. PA Edwards' pre-printed address on her prescription forms was located in Inglewood, California, which was 21.9 miles from Respondent Mintwood Pharmacy's location in Pasadena,

California. Several patients of PA Edwards travelled unusually long distances between their homes and PA Edwards' office and/or the Pharmacy to obtain their prescriptions, as summarized in the below table:

Patient	Patient Address Location per Pharmacy Dispensing Record	Distance to Pharmacy (in miles)	Distance to PA Edwards' Office (in miles)
MA	Moreno Valley, CA	57	79
SA	Romoland, CA	72.5	89.6
HC	Little Rock, CA	52.2	69.5
TD	Los Angeles, CA	23	2.3
BG	Corona, CA	50.9	59.6
JJ	Compton, CA	21.6	11.7
ML	San Bernardino, CA	49	79.6
JP	Los Angeles, CA	23.3	4.7
BP	Sun Valley, CA	19.2	28.4
DS	Los Angeles, CA	18.2	7.2
VT	Victorville, CA	73	97.3
CW	Ontario, CA	35.6	50.1
ZW	Hemet, CA	72.4	81.1

32. There were numerous instances where Respondent Mintwood Pharmacy processed similar controlled substance prescriptions for patients of PA Edwards on the same day, and often these prescriptions were assigned consecutive prescription numbers.

33. On seven instances, patients of PA Edwards initiated therapy on the highest available strength of oxycodone, despite the fact that these patients were either opioid naïve or not opioid tolerant based on these patients' dispensing history in the CURES² database.

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² The Controlled Substance Utilization Review and Evaluation System (CURES) is California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the database every week. Beginning in 2021, pharmacies are required to report all controlled substance prescriptions within one day of dispensing. The data is collected statewide and can be used by licensed prescribers and pharmacists to evaluate and determine whether their patients are utilizing controlled substances correctly and whether a patient has used multiple prescribers and multiple pharmacies to fill controlled substance prescriptions. Law enforcement and regulatory agencies such as the Board have access to the CURES database for official oversight or investigatory purposes.

Patient MA

34. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient MA on or about March 2, 2020.

Date	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
3/2/2020	13010	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
3/2/2020	13014	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$50

35. MA received concurrent prescriptions for oxycodone 30 mg tablets and promethazine/codeine syrup. The prescribing information for both medications contains black box warnings that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death. The prescribing information for promethazine/codeine syrup also states to avoid use of opioid cough medications in patients taking benzodiazepines or other CNS (central nervous system) depressants. Oxycodone 30 mg, an opioid pain reliever, is also a CNS depressant.

36. At this time, MA had not received any other medications from Respondent Mintwood Pharmacy. Based on a review of MA's CURES history, the Board Inspector determined that MA was likely opioid naïve, yet MA initiated opioid therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone.

37. MA's address was located in Moreno Valley, California, approximately 57 miles away from the Pharmacy and approximately 79 miles away from PA Edwards' office.

38. MA paid cash for the prescriptions, including \$400 for 90 tablets of oxycodone 30 mg.

Patient SA

39. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient SA between January 17, 2020 and August 14, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
1/17/2020	12413	Oxycodone 30mg tab	90	PA Edwards	Cash	\$330.04
2/6/2020	12659	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$30

2/6/2020	12677	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$25
2/21/2020	12878	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350
3/2/2020	13007	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$60
3/2/2020	13009	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50
3/20/2020	13284	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
4/2/2020	13494	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$124.87
4/2/2020	13496	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$75
5/4/2020	13772	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
6/4/2020	14231	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
6/18/2020	14454	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$75
7/7/2020	14724	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
7/7/2020	14725	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450
8/14/2020	15335	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Insurance	\$0

40. On or about January 17, 2020, SA received a prescription for oxycodone 30 mg prescribed by PA Edwards. At this time, SA had not received any previous prescriptions from Respondent Mintwood Pharmacy. Respondent Elias attached a CURES report to the prescription, containing only one entry, which indicated that SA received a prescription for promethazine/codeine syrup nine days prior. Based on SA's CURES history, it is likely that SA was not opioid tolerant at the time of this prescription, yet SA initiated opioid therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone.

41. On or about February 6, 2020, SA received a prescription for alprazolam 2 mg from Dr. Muhammad Nasir. At this time, SA had not received any previous benzodiazepine prescriptions from Respondent Mintwood Pharmacy. Based on SA's CURES history, SA had not received a benzodiazepine prescription since at least July 31, 2017, yet SA received the highest available strength of alprazolam.

42. SA received regular prescriptions for oxycodone 30 mg from PA Edwards while concurrently receiving regular prescriptions for alprazolam 2 mg and promethazine/codeine from Dr. Nasir. As previously noted, black box warnings advise against combining the use of

promethazine/codeine, benzodiazepines, and opioids as it may result in profound sedation, respiratory depression, coma, and death.

43. SA's address was located in Romoland, California, approximately 72.5 miles away from the Pharmacy and approximately 89.6 miles away from PA Edwards' office.

44. SA purchased all of the prescriptions dispensed before July 7, 2020 in cash, at times paying unusually high prices for the medications, including three instances where SA paid \$400 for 90 tablets of oxycodone 30 mg, and one instance where SA paid \$450 for 90 tablets of oxycodone 30 mg.

Patient BG

45. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient BG between March 6, 2020 and July 7, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
3/6/2020	13111	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
3/9/2020	13135	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$40.43
4/16/2020	13649	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
4/16/2020	13652	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
5/13/2020	13951	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
5/22/2020	13652	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
6/11/2020	14278	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7/7/2020	14715	Oxycodone 30mg tab	90	PA Edwards	Cash	\$330.04
7/7/2020	14747	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100

46. BG received concurrent prescriptions for oxycodone 30 mg tablets and promethazine/codeine syrup prescribed from PA Edwards, despite the prescribing information for both medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

47. BG's address was located in Corona, California, approximately 50.9 miles away from the Pharmacy and approximately 59.6 miles away from PA Edwards' office.

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48. BG paid cash for all the prescriptions, at times paying unusually high prices for the medications, including four instances where BG paid \$400 for 90 tablets of oxycodone 30 mg.

Patient MG

49. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient MG between February 26, 2020 and August 14, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
2/26/2020	12947	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350
3/13/2020	13201	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50
6/11/2020	14292	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
6/17/2020	14411	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$75
7/9/2020	14831	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
7/9/2020	14837	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450
8/14/2020	15353	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50

50. MG received concurrent prescriptions for oxycodone 30 mg tablets, prescribed by PA Edwards, and promethazine/codeine syrup, prescribed by Dr. Nasir and PA Edwards, despite the prescribing information for both medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

51. MG paid cash for all the prescriptions, at times paying unusually high prices for the medications, including three instances where MG paid \$350, \$400, and \$450, respectively, for 90 tablets of oxycodone 30 mg.

Patient JJ

52. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient JJ between February 21, 2020 and July 7, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
2/21/2020	12872	Hydrocodone/acetaminophen 10-325mg tab	90	PA Edwards	Cash	\$99
2/21/2020	12875	Carisoprodol 350mg tab	60	PA Edwards	Cash	\$45

3/3/2020	13042	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350
3/3/2020	13045	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
4/7/2020	13540	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
4/7/2020	13541	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
5/8/2020	13962	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
5/22/2020	13045	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
6/5/2020	14246	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7/7/2020	14732	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
7/7/2020	14739	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450

53. JJ received concurrent prescriptions prescribed by PA Edwards for oxycodone 30 mg and Hydrocodone/acetaminophen 10/325 mg (both opioids), and carisoprodol 350 mg and promethazine/codeine syrup (both CNS depressants) despite the prescribing information for these medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

54. JJ's address was located in Compton, California, approximately 21.6 miles away from the Pharmacy.

55. JJ paid cash for all the prescriptions, at times paying unusually high prices for the medications, including four instances where JJ paid between \$350 and \$450 for 90 tablets of oxycodone 30 mg.

Patient ML

56. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient ML between January 21, 2020 and July 7, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
1/21/2020	12460	Oxycodone 30mg tab	90	PA Edwards	Cash	\$360
3/3/2020	13037	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350
3/3/2020	13040	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$50
3/20/2020	13040	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
4/7/2020	13534	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
4/7/2020	13535	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400

5/8/2020	13966	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
6/5/2020	13966	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7/7/2020	14717	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
7/7/2020	14722	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450

57. ML received concurrent prescriptions prescribed by PA Edwards for oxycodone 30 mg and promethazine/codeine syrup despite the prescribing information for these medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

58. On or about January 21, 2020, ML received a prescription for oxycodone 30 mg prescribed by PA Edwards. At this time, ML had not received any previous prescriptions from Respondent Mintwood Pharmacy. Respondent Elias attached a CURES report to the prescription document, which contained no entries for dispensed controlled substances in the previous year. Based on ML's CURES history, it is likely that ML was opioid naïve at the time of this prescription, yet ML initiated opioid therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone.

59. ML's address was located in San Bernardino, California, approximately 49 miles away from the Pharmacy and approximately 79.6 miles away from PA Edwards' office.

60. ML paid cash for all the prescriptions, at times paying unusually high prices for the medications, including six instances where ML paid between \$350 and \$450 for 90 tablets of oxycodone 30 mg.

Patient AM

61. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient AM between July 31, 2020 and August 3, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
7/31/2020	15134	Oxycodone 30mg tab	100	PA Edwards	Cash	\$470
7/31/2020	15137	Alprazolam 2mg tab	60	PA Edwards	Cash	\$121.94
8/3/2020	15161	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$250

62. AM received concurrent prescriptions prescribed by PA Edwards for oxycodone 30 mg, alprazolam 2 mg, and Promethazine/codeine syrup despite the prescribing information for

these medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

63. On or about July 31, 2020, AM received a prescription for oxycodone 30 mg prescribed by PA Edwards, as well as a prescription for alprazolam 2 mg. At this time, ML had not received any previous prescriptions from Respondent Mintwood Pharmacy. Respondent Elias attached a CURES report to the prescription which indicated that AM had not received these medications since at least August 22, 2019. Based on ML's CURES history, it is likely that AM was not opioid or benzodiazepine tolerant at the time of this prescription, yet AM initiated therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone and alprazolam.

64. AM paid cash for all the prescriptions, paying unusually high prices for the medications. AM paid \$470 for 90 tablets of oxycodone 30 mg, \$121.94 for 60 tablets of alprazolam 2 mg, and \$250 for 240 mL of promethazine/codeine syrup.

Patient ER

65. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient ER between February 4, 2020 and August 17, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
2/4/2020	12621	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$30
2/4/2020	12622	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$25
2/6/2020	12674	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350
3/6/2020	13116	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$60
3/6/2020	13118	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50
4/7/2020	13548	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$60
4/7/2020	13550	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$75
4/16/2020	13660	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
5/13/2020	13958	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
6/11/2020	14273	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7/9/2020	14843	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100

7/9/2020	14844	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450
8/17/2020	15374	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50

66. On or about February 4, 2020, ER received a prescription for alprazolam 2 mg prescribed by Dr. Nasir. Based on ER's CURES history, ER had not received a prescription for alprazolam or any other benzodiazepine since at least July 31, 2017, and therefore it is likely that ER was benzodiazepine naïve at the time of this prescription, yet ER initiated benzodiazepine therapy at Respondent Mintwood Pharmacy with the highest available strength of alprazolam.

67. Two days later, on or about February 6, 2020, ER received a prescription for oxycodone 30 mg prescribed by PA Edwards. Based on ER's CURES history, ER had not received a prescription for an opioid pain reliever for at least 16 months, and therefore it is likely that ER was opioid naïve at the time of this prescription, yet ER initiated opioid therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone.

68. ER received concurrent prescriptions for alprazolam 2 mg and promethazine/codeine syrup despite a black box warning that concomitant use of these medications may result in profound sedation, respiratory depression, coma, and death. The dispensing of oxycodone 30 mg is equally concerning given that the prescription would be taken concurrently with the alprazolam 2 mg and promethazine/codeine syrup despite drug interactions which could cause additive sedation and respiratory depression.

69. ER paid for other non-controlled substance prescriptions with insurance at Respondent Mintwood Pharmacy; however ER exclusively paid cash for all the above controlled substance prescriptions, at times paying unusually high prices for the medications, including five instances where ER paid between \$350 and \$450 for 90 tablets of oxycodone 30 mg.

Patient VT

70. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient VT between March 3, 2020 and July 9, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
3/3/2020	13051	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350

3/3/2020	13055	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$50
4/13/2020	13617	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
4/13/2020	13620	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$75
6/5/2020	14251	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7/9/2020	14806	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450
7/9/2020	14809	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100

71. On or about March 3, 2020, VT received a prescription for oxycodone 30 mg prescribed by PA Edwards. At this time, VT had not received any previous prescriptions from Respondent Mintwood Pharmacy. Respondent Elias attached a CURES report to the prescription which indicated there were no records of controlled substances dispensed to VT between March 3, 2019 and March 3, 2020. Based on VT's CURES history, it is likely that VT was opioid naïve at the time of this prescription, yet VT initiated opioid therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone.

72. VT received concurrent prescriptions prescribed by PA Edwards for oxycodone 30 mg and promethazine/codeine syrup despite the prescribing information for these medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

73. VT's address was located in Victorville, California, approximately 73 miles away from the Pharmacy and approximately 97.3 miles away from PA Edwards' office.

74. VT paid cash for all the prescriptions, at times paying unusually high prices for the medications, including four instances where VT paid between \$350 and \$450 for 90 tablets of oxycodone 30 mg.

Patient MW

75. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient MW between February 6, 2020 and August 17, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
2/6/2020	12666	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350

1	2/6/2020	12669	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$25
2	2/6/2020	12672	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$30
3	2/6/2020	12673	Carisoprodol 350mg tab	60	Dr. Nasir	Cash	\$42.77
4	3/6/2020	13113	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$60
5	3/6/2020	13115	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50
6	3/20/2020	13281	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
7	4/7/2020	13551	Alprazolam 2mg tab	60	Dr. Nasir	Cash	\$60
8	4/7/2020	13553	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$75
9	5/1/2020	13833	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
10	6/4/2020	14238	Oxycodone 30mg tab	90	PA Edwards	Cash	\$400
11	7/9/2020	14822	Promethazine/codeine 6.25-10 sol	240	PA Edwards	Cash	\$100
12	7/9/2020	14829	Oxycodone 30mg tab	90	PA Edwards	Cash	\$450
13	8/17/2020	15372	Promethazine/codeine 6.25-10 sol	240	Dr. Nasir	Cash	\$50

76. On or about February 6, 2020, MW received a prescription for oxycodone 30 mg, alprazolam 2 mg, carisoprodol 350 mg, and promethazine/codeine syrup. This combination of oxycodone, a benzodiazepine such as alprazolam, and carisoprodol is so sought for abuse that it is commonly known as the “trinity” combination. This “trinity” combination is not commonly seen outside of situations of abuse.

77. Based on MW’s CURES history, MW had not received any controlled substance prescriptions between July 31, 2017 and February 6, 2020, and therefore it is likely that MW was opioid and benzodiazepine naïve at the time of this prescription, yet MW initiated therapy at Respondent Mintwood Pharmacy with the highest available strength of oxycodone and alprazolam.

78. MW received concurrent prescriptions for oxycodone 30 mg, alprazolam 2 mg, carisoprodol 350 mg, and promethazine/codeine syrup despite the prescribing information for these medications warning that concomitant use of these drugs may result in profound sedation, respiratory depression, coma, and death.

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79. Respondent Elias made a copy of MW's California Driver's License, which listed MW's address as being located in Victorville, California. MW's address was also noted in handwriting on the face of the prescription document as being located in Victorville, California. However, MW's address was entered in the Pharmacy's dispensing software as being located in Pasadena, California. Victorville, California is approximately 75 miles away from the Pharmacy.

80. MW paid cash for all the prescriptions, at times paying unusually high prices for the medications, including five instances where MW paid between \$350 and \$450 for 90 tablets of oxycodone 30 mg.

Patient ZW

81. The below table summarizes some of the controlled substance prescriptions dispensed by Respondent Mintwood Pharmacy to Patient ZW between January 17, 2020 and February 21, 2020.

Date Filled	Rx No.	Medication	Qty	Provider Name	Payment Method	Amount Paid
1/17/2020	12417	Oxycodone 30mg tab	90	PA Edwards	Cash	\$330.04
2/21/2020	12876	Oxycodone 30mg tab	90	PA Edwards	Cash	\$350

82. ZW received a prescription for oxycodone 30 mg prescribed by PA Edwards on or about January 17, 2020. Respondent Elias attached a CURES report to the prescription which indicated that ZW received a regular prescription for oxycodone/acetaminophen 10/325 mg from another prescriber and filled at CVS Pharmacy, with the most recent prescription on the CURES report pulled by Respondent Elias being dispensed on December 9, 2019. ZW received a second prescription for oxycodone 30 mg from PA Edwards on or about February 21, 2020. Respondent Elias did not affix a CURES report to this prescription. However, the CURES history indicates the following entries:

Date Filled	Medication	Qty	Days Supply	Provider Name	Pharmacy Dispensed
1/17/2020	Oxycodone 30mg tab	90	30	PA Edwards	Mintwood Pharmacy
1/17/2020	Oxycodone/acetaminophen 10/325 mg tab	108	27	Dr. Truong	CVS Pharmacy

2/18/2020	Oxycodone/acetaminophen 10/325 mg tab	108	27	Dr. Truong	CVS Pharmacy
2/21/2020	Oxycodone 30mg tab	90	30	PA Edwards	Mintwood Pharmacy

Since, at the this time, pharmacies were required to report dispensed Schedule II through IV controlled substance prescriptions weekly, had Respondent Elias reviewed a CURES report for ZW when dispensing the prescription on February 21, 2020, it would have been seen that ZW obtained two prescriptions for different strengths of oxycodone, from different prescribers, from different pharmacies on January 17, 2020.

83. ZW's address was located in Hemet, California, approximately 72.4 miles away from the Pharmacy and approximately 81.1 miles away from PA Edwards' office.

84. ZW paid cash for the two prescriptions, paying unusually high prices for the medications. ZW paid \$330.04 and \$350, respectively, for 90 tablets of oxycodone 30 mg.

85. Despite the irregularities discussed above in paragraphs 23-84, the prescription documents collected did not contain documentation indicating that Respondents contacted the prescriber to specifically address these irregularities prior to filling the prescriptions.

FIRST CAUSE FOR DISCIPLINE

(Operations Standards and Security)

86. Respondent Mintwood Pharmacy and Respondent Elias are subject to disciplinary action under Code sections 4301, subdivision (o), and 4113, subdivision (c), in conjunction with California Code of Regulations, title 16, section 1714, subdivisions (b) and (d), in that Respondents could not account for an inventory shortage of 24,125 mL of promethazine/codeine syrup. Complainant refers to, and by this reference incorporates, the allegations set forth in above paragraphs 23 through 24, as though set forth in full herein.

SECOND CAUSE FOR DISCIPLINE

(Failure to Exercise or Implement Corresponding Responsibility)

87. Respondent Mintwood Pharmacy and Respondent Elias are subject to disciplinary action under Code sections 4301, subdivisions (d), (j) and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), in conjunction with Health and Safety Code section 11153, subdivision

1 (a), California Code of Regulations, title 16, section 1761, and Federal Code of Regulations, title
2 21, section 1306.04, in that Respondents failed to exercise or implement their best professional
3 judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled
4 substances or dangerous drugs, or with regard to the provision of services. Complainant refers to,
5 and by this reference incorporates, the allegations set forth above in paragraphs 23 through 85, as
6 though set forth in full herein.

7 **DISCIPLINARY CONSIDERATIONS**

8 88. In order to determine the degree of discipline, if any, to impose on Respondent Elias,
9 Complainant asserts that, on or about August 30, 2016, the Board issued Citation Number 2016
10 71793 to Respondent Elias for violations of Health and Safety Code section 11170 (furnishing
11 controlled substance to self), and ordered Respondent Elias to pay an administrative fine in the
12 amount of \$3,000. This Citation is now final and is incorporated by reference as if fully set forth.

13 **OTHER MATTERS**

14 89. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
15 PHY 56896, issued to Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, Respondent
16 Mintwood Pharmacy shall be prohibited from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18 Number PHY 56896 is placed on probation or until Pharmacy Permit Number PHY 56896 is
19 reinstated if it is revoked.

20 90. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
21 PHY 56896, issued to Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, while Milad
22 Naguib Tossoun, Iman Tossoun, and/or Nancy Elias have been an officer, director, and/or owner
23 and had knowledge of or knowingly participated in any conduct for which the licensee was
24 disciplined, Milad Naguib Tossoun, Iman Tossoun, and/or Nancy Elias shall be prohibited from
25 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
26 licensee for five years if Pharmacy Permit Number PHY 56896 is placed on probation or until
27 Pharmacy Permit Number PHY 56896 is reinstated if it is revoked.

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91. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 62083, issued to Nancy Elias, Respondent Elias shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 62083 is placed on probation or until Pharmacist License Number RPH 62083 is reinstated if it is revoked.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Permit Number PHY 56896, issued to Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy, Milad Naguib Tossoun, Iman Tossoun, Nancy Elias;

2. Revoking or suspending Pharmacist License Number RPH 62083, issued to Nancy Elias;

3. Prohibiting Mintwood Pharmaceuticals Inc., dba Mintwood Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 56896 is placed on probation or until Pharmacy Permit Number PHY 56896 is reinstated if Pharmacy Permit Number PHY 56896 is revoked;

4. Prohibiting Milad Naguib Tossoun, Iman Tossoun, and/or Nancy Elias from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 56896 is placed on probation or until Pharmacy Permit Number PHY 56896 is reinstated if Pharmacy Permit Number PHY 56896 is revoked;

5. Prohibiting Nancy Elias from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 62083 is placed on probation or until Pharmacist License Number RPH 62083 is reinstated if Pharmacist License Number RPH 62083 is revoked;

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1 6. Ordering Mintwood Pharmacy and Nancy Elias to pay the Board of Pharmacy the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and,

4 7. Taking such other and further action as deemed necessary and proper.
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7 DATED: 12/7/2021
8 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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